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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,919	06/26/2001	Dragan Krupezevic	450117-03384	3840

20999 7590 10/17/2005

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EXAMINER

NGUYEN, DUNG X

ART UNIT PAPER NUMBER

2638

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,919

Applicant(s)

KRUPEZEVIC ET AL.

Examiner

Dung X. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3 - 15 is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/26/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

***Claim Objections***

1. **Claim 2 is objected** to because of the following informalities: “predetermined numbers” as recited in line 4 should be changed to “predetermined number”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. **Claim 16 is rejected** under 35 U.S.C. 102(e) as being anticipated by Sills et al. (US patent # 6,690,746 B1).

The statement of “Use of a n-port junction device having two RF inputs, n being an integer larger than three.” as recited in claim 16, is not given any weight by the examiner, because it is intended to use.

**Regarding claim 16**, Sills et al. discloses (figure 2) that a n-junction (13) having at least two RF inputs (21, 22, 23, 24, 25) and at least one RF output for identifying the modulation type of a wirelessly transmitted modulated RF signal supplied to a first of the

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two RF inputs, without a-priori knowledge the modulation type,  $n$  being an integer larger than three (column 2, lines 37 – 43).

***Allowable Subject Matter***

4. **Claim 2** would be allowable if rewritten to overcome the objection(s), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. **Claims 1, 3 – 15 are allowed.** The following is an examiner's statement of reasons for the indication of allowable subject matter:

**Regarding to claim 1**, the prior art of record fails to show or render obvious of a modulation identification device having a first input for modulated RF signal to be identified, a second input for a second RF signal having a frequency essentially corresponding to the carrier frequency of the modulated RF signal and at least one input for a flag indicating a modulation type identified, comprises:

- A  $n$ -port junction,  $n$  being an integer equal or larger than three being supplied with the modulated RF signal and the second RF signal and outputting at least one third RF signal to at least one power detector; and
- A signal processing for processing the output of the power detector to generate the at least one flag.

**Regarding to claim 10**, the prior art of record fails to show or render obvious of a method for identifying the modulation type of a wirelessly transmitted modulated RF signal, comprising:

- Supplying the modulated RF signal and the second RF signal having a frequency essentially corresponding to the carrier frequency of the modulated RF signal respectively to the input of a  $n$ -port junction outputting at least one RF signal,  $n$  being an integer equal or larger than three; and

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- Signal processing the at least one output RF signal of the n-port junction to generate at least one flag indicating the identified modulation type of the modulated RF signal.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (571) 272-3010. The examiner can normally be reached on Monday through Friday from 8:00 AM to 17:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vanderpuye Kenneth N. can be reached on (571) 272-3078. The fax phone numbers for this group is (571) 273-3021.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

DXN

August 26, 2005

  
KENNETH VANDERPUYE  
SUPERVISORY PATENT EXAMINER